

MENTAL HEALTH PROCEEDINGS AND ADVOCACY FOR ASSIGNED COUNSEL

The Committee for Public Counsel Services

and

Massachusetts Continuing Legal Education, Inc.

Instructors:

Stan Goldman, Director of Mental Health Litigation, CPCS
Margaret Lunevitz, Staff Attorney, Mental Health Litigation Unit, CPCS

DAY ONE

{Stan Goldman}

9:00 - 9:15: INTRODUCTION

An overview of topics to be covered. Introduction to the Committee for Public Counsel Services (CPCS) & administrative matters.

9:15 - 11:15: ADMISSION TO & DISCHARGE FROM MENTAL HEALTH FACILITIES {G.L. c. 123, §§ 10, 11, 12}

The ways in which persons may be admitted to and discharged from inpatient psychiatric facilities, and the consequences thereof.

11:15 - 11:30: Break

11:30 - 1:00: CIVIL COMMITMENTS {G.L. c. 123, §§ 7 & 8}

The substantive criteria and procedural requisites for commitment to a psychiatric facility.

1:00 - 2:00: Lunch

2:00 - 3:30: CIVIL COMMITMENTS (cont.)

3:30 - 3:45: Break

3:45 - 5:00: "FORENSIC" COMMITMENTS {G.L. c. 123, §§ 15, 16, 17, 18}

The evaluation of a criminal defendant's competency to stand trial and criminal responsibility; proceedings for the commitment of criminal defendants.

DAY TWO

{Stan Goldman}

- 9:00 - 10:30: COMPETENCY, INFORMED CONSENT & GUARDIANSHIP** {G.L. c. 201, §§ 6, 6A, 14}
- Assessing competency to make informed decisions concerning treatment. The substantive criteria and procedural requisites in guardianship proceedings; limited v. full, temporary v. permanent guardianships; alternatives to guardianship.*
- 10:30 - 11:00: SUBSTITUTED JUDGMENT PROCEEDINGS** {G.L. c. 123, § 8B; c. 201, §§ 6, 6A, 14}
- The substantive criteria and procedural requisites in "extraordinary treatment" proceedings; treatment plans and monitoring; reviews and expiration.*
- 11:00 - 11:15: Break**
- 11:15 - 1:00: SUBSTITUTED JUDGMENT PROCEEDINGS (cont.)**
- 1:00 - 2:00: Lunch**
- 2:00 - 3:30: LITIGATION & EVIDENTIARY ISSUES**
- Psychotherapist/patient privilege; expert testimony; hearsay; hospital/medical records; independent clinical evaluations.*
- 3:30 - 3:45: Break**
- 3:45 - 5:00: LITIGATION & EVIDENTIARY ISSUES (cont.)**

DAY THREE

- 9:00 - 9:30: APPEALS** {Stan Goldman} {G.L. c. 123, § 9}
- 9:30 - 10:00: ALCOHOLISM & SUBSTANCE ABUSE COMMITMENTS** {Stan Goldman} {G.L. c. 123, § 35}
- 10:00 - 11:00: DEFENSE COUNSEL'S ROLE** {Margaret Lunevitz}
- A discussion of the role of patient's counsel in commitment and authorization to treat proceedings, including CPCS Performance Standards.*
- 11:00 - 11:15: Break**
- 11:15 - 1:00: MOCK COMMITMENT & "ROGERS" HEARINGS**
- Hon. Rosemary Minehan
Margaret Lunevitz, Esq.
TBA*
- 1:00 - 2:00: Lunch**
- 2:00 - 3:30: MOCK COMMITMENT & "ROGERS" HEARINGS (cont.)**
- 3:30 - 4:00: Q & A and Wrap-Up**